

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AMERICAN AIRLINES, INC. and
AADVANTAGE LOYALTY IP LTD.,

Plaintiffs,

v.

RED VENTURES, LLC and
THE POINTS GUY, LLC,

Defendants.

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Civil Action No. 4:22-cv-00044-P

**PLAINTIFFS' ORIGINAL ANSWER TO DEFENDANT RED VENTURES'
AMENDED COUNTERCLAIMS FOR ATTORNEY FEES**

Pursuant to Fed. R. Civ. P. 8(b), Plaintiffs American Airlines, Inc., and AAdvantage Loyalty IP Ltd. (together, "American") file this Original Answer to the Amended Counterclaims for Attorney Fees pursuant to 15 U.S.C. §1117(a) and 17 U.S.C. §505 of Defendant Red Ventures, LLC ("RV"), and respectfully show the Court as follows:

I. Count I: Attorney Fees under 15 U.S.C. 1117(a)

1. American admits that it has brought a claim against RV under 15 U.S.C. §1125(a) and alleged that RV has violated 15 U.S.C. §1117(a).

2. American admits that 15 U.S.C. §1117(a) provides that the court "in exceptional cases may award reasonable attorney fees to the prevailing party."

3. American denies that they have litigated this case in an unreasonable manner.

4. American denies that RV's litigating position stands out from others with respect to its substantive strength.

5. American denies that RV is entitled to attorney fees in the unlikely event that it prevails in this case.

II. Count II: Attorney Fees under 17 U.S.C. §505

6. American admits that it has brought a claim against RV for copyright infringement under 17 U.S.C. §101.

7. American admits that 17 U.S.C. §505 provides that a court may award reasonable attorney fees to the prevailing party as part of its costs.

8. American denies that RV is entitled to attorney fees under this statute.

III. Additional Defenses and Affirmative Defenses

9. RV's claims must be dismissed to the extent they fail to state facts sufficient to assert a cause of action.

10. RV's claims are barred in whole or in part by estoppel.

11. RV's claims are barred in whole or in part by laches.

12. RV's claims are barred in whole or in part by justification.

13. RV's claims are barred in whole or in part by privilege.

For these reasons, Plaintiffs respectfully request the Court to enter judgment for American and against RV's amended counterclaims for attorney fees and grant to American all other relief to which it is entitled.

Dated: October 6, 2022

Respectfully submitted,

/s/ Lars L. Berg

Dee J. Kelly, Jr.

State Bar No. 11217250

dee.kelly@kellyhart.com

Lars L. Berg

State Bar No. 00787072

lars.berg@kellyhart.com

J. Austin Franklin

austin.franklin@kellyhart.com

State Bar No. 24057853

KELLY HART & HALLMAN LLP

201 Main Street, Suite 2500

Fort Worth, Texas 76102

(817) 332-2500

R. Paul Yetter

State Bar No. 22154200

pyetter@yettercoleman.com

YETTER COLEMAN LLP

811 Main Street, Suite 4100

Houston, Texas 77002

(713) 632-8000

Howard S. Hogan (*pro hac vice*)

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

(202) 887-3640

ATTORNEYS FOR PLAINTIFFS

AMERICAN AIRLINES, INC. AND

AADVANTAGE LOYALTY IP LTD.

CERTIFICATE OF SERVICE

I certify that on October 6, 2022, I served the foregoing document electronically in accordance with the Federal Rules of Civil Procedure.

/s/ Lars L. Berg

Lars L. Berg